

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

CHARLES H. MCELYEA,

Plaintiff,

v.

LARRY WALLACE, Judge, ERIC THORNTON,  
Attorney, and KYLE SANDERS, Attorney,

Defendants.

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Civil No. 3:11-0914  
Judge Trauger  
Magistrate Judge Brown


**ORDER**

On November 9, 2011, the Magistrate Judge issued a Report and Recommendation, recommending that the Complaint filed in this case be dismissed as frivolous. (Docket No. 7) At his request, the *pro se* plaintiff was given until January 4, 2012 within which to file objections to the Report and Recommendation. (Docket No. 11) Instead of filing objections by January 4, 2012, the plaintiff filed an Amended Complaint on January 5, 2012. (Docket No. 14)

It is hereby **ORDERED** that the Report and Recommendation is **RETURNED** to the Magistrate Judge for possible modification as a result of the filing of the Amended Complaint, which this court will construe as timely filed.

It is so **ORDERED**.

Enter this 10<sup>th</sup> day of January 2012.

  
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ALETA A. TRAUGER  
U.S. District Judge